



NEWSLINE

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Tennessee Department of Commerce and Insurance*



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EDITOR'S NOTE

James "Jay" Whirley was elected Chairman of the Tennessee Auctioneer's Commission at the August 2003 meeting. Commissioner Whirley was appointed to the TAC in 2000 to serve the remainder of an open term. He was reappointed to the TAC in 2001. Commissioner Whirley works the motor vehicle sales circuit and has a general auction practice in Selmer, Tennessee.

Chairman's Report

by James "Jay" Whirley, Chairman

I want to thank the members of the Tennessee Auctioneer Commission for electing me to be their Chairman during the next fiscal year. I will put forth my best efforts to lead the TAC and work with the Board to produce a successful and productive year.

As a member of the TAC, I am concerned about a number of issues that pertain to auctioneers and their profession. I am concerned about the trend to over-regulate the business to the point where it is difficult from one year to another to know what is legal and accepted. I have a deep concern for those who are trying to do the right thing on a daily basis and then find themselves confronted with law or rule violations. I think licensees should be allowed to correct their mistakes without severe retribution. I am concerned about the reciprocal agreements we have with other states. Our licensees should expect equal and fair treatment when crossing state borders to practice our craft. I believe those practicing without licenses should be found and barred from the auction profession. There are over 3,000 licensees in the state trying to comply with the law and do the right thing. Those that do not want to practice by the rules should be dealt with timely.

I want each licensee to know that I want to represent you as Chairman of the TAC and I am always open to your suggestions and ideas. Let's make this a landmark year for auctioneers in Tennessee.

Next Seminar - Knoxville, Tennessee November 3, 2003

Date: Monday, November 3, 2003
Time: 8:00 a.m.
Place: Knoxville Expo Center
5441 Clinton Hwy
Knoxville, TN
865-686-3200
Topic: "Auction Ethics"
Credit 6 hours auctioneer credit

Pre-registration: None

Centrally located just North of downtown Knoxville, off Clinton Highway 1/2 mile West of Interstate 75 and 1.5 miles North of Interstate 640. Take I-75 North to Merchants Rd Exit (108). Turn West, go 1/2 mile. Knoxville Expo Center is located at the corner of Clinton Hwy and Merchants Rd.

COMMISSION MEMBERS AND STAFF

Jay Whirley, Chairman

Term 11/30/00 - 8/31/04

Terri Walker, Board Member

Term 9/1/02 - 8/31/05

Howard Phillips, Board Member

Term 9/1/03 - 8/31/06

Charles Woodard, Board Member

Term 9/1/01 - 8/31/04

James Brock, Consumer Member

Term 9/1/01 - 8/31/04

Lynn McGill, Administrative Director

lynn.mcgill@state.tn.us

Sandra Cooper, License Technician

sandra.k.cooper@state.tn.us

Dennis Hodges, Investigator

dennis.hodges@state.tn.us

website: www.state.tn.us/commerce/boards/auction

MISSION STATEMENT:

The mission of the Tennessee Auctioneer Commission is to protect the public and licensees by monitoring the auctioneer profession through licensure and regulation.

Vision:

To remain a premier regulatory board operating at maximum efficiency, providing exemplary consumer protection and enhanced quality improvement for licensees while recognizing that these are changing times and that the nature of professional services must change accordingly and so should we as regulators.

Frequently Asked Questions

The following questions have been submitted by licensees attending the TAC Seminar Programs.

1. I work out of my house in a rural area. Why do I have to put up a sign in front of my house?

Answer: Section 62-19-118 states that "every person licensed under this chapter shall maintain a definite place of business in this state, except for nonresidents, and shall erect and maintain a sign in a conspicuous place on the premises at or near the outside entrance to the principal office and all branches." This section does not require that it be in front of your house but does require the sign to be "easily observed." This is for the benefit of your clients and those who regulate you. You should also know the TAC has the power to waive the requirement under unusual circumstances.

2. If I receive notice that a complaint has been filed against me, what should I do?

Answer: The TAC wants to know your side of the story. Take the time to collect documents or affidavits to help present all facts regarding the complaint and then respond to the complaint. As you can see, it is important that you keep good records on every auction that you manage and produce. You have the right to attend the TAC meeting and discuss the issue with the Commissioners. We welcome your attendance and interest in resolving the complaint.

3. Can the TAC take my license without me knowing it?

Answer: No. You must receive proper notification that you have a complaint pending and have sufficient time to respond. The TAC cannot suspend or revoke your license without "just

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cause" and holding a hearing where you have the right to appear and present your side of the story.

4. I live close to the border with another state. Can I have a sponsor for my Tennessee license that lives in that state?

Answer: Maybe. The rules of the TAC require that all sponsor auctioneers shall reside in the same state as his/her apprentice auctioneer. However, in appropriate cases, upon good cause being shown, the Commission may waive this rule.

5. I am an apprentice auctioneer. Can I place ads in the local newspaper soliciting business?

Answer: Yes. You can design and place the ad, but you must clearly and conspicuously identify the apprentice auctioneer as such, contain his/her license number, and the name and license number of his/her sponsor's firm.

6. I am an apprentice and have not received any mail. Could you tell me why?

Answer: An apprentice's mail will always go to his sponsor; therefore he/she should keep in touch with their sponsor concerning mail.

7. I don't want to renew my firm. Can I work without firm affiliation?

Answer: No. An apprentice or auctioneer must always have firm affiliation to work in the state of TN.

9. How long will it take to receive my license?

Answer: All applications must go through proper procedure, and are processed as quickly as possible once received in this office.

**Tennessee Auctioneer Commission
Promissor Candidate Satisfaction Exit Survey
July 1, 2002 - June 30, 2003**

		Very Satisfied	Satisfied	No Opinion	Dissatisfied	Very Dissatisfied	Total	
Reservation Process	Count	56	81	20	6	3	166	
	% of Response	33.73%	48.80%	12.05%	3.61%	1.81%	100.00%	94.58%
Test Center Easy to Locate	Count	59	88	13	4	1	165	
	% of Response	35.76%	53.33%	7.88%	2.42%	0.61%	100.00%	96.97%
Test Center Conducive to Testing	Count	106	56	2	1	1	166	
	% of Response	63.86%	33.73%	1.20%	0.60%	0.60%	100.00%	98.80%
Test Center Personnel	Count	97	62	5	2	1	167	
	% of Response	58.08%	37.13%	2.99%	1.20%	0.60%	100.00%	98.20%
Test Center Registration Process	Count	92	67	6	1	1	167	
	% of Response	55.09%	40.12%	3.59%	0.60%	0.60%	100.00%	98.80%
Testing System Ease of Use	Count	90	70	4	1	1	166	
	% of Response	54.22%	42.17%	2.41%	0.60%	0.60%	100.00%	98.80%
Testing System Operation	Count	92	69	2	2	2	167	
	% of Response	55.09%	41.32%	1.20%	1.20%	1.20%	100.00%	97.60%
Overall Satisfaction with the Testing Process	Count	76	85	3	1	1	166	
	% of Response	45.78%	51.20%	1.81%	0.60%	0.60%	100.00%	98.80%

Disciplinary Corner

Name	Amount Paid	Action Taken
Jackson Area Auto Auction Inc. Nature of Offense: Respondent allowed an auctioneer with an expired license to call bids. Tennessee Auctioneer Commission Law, § 62-19-(a)(1) It is unlawful for any person to: (1) Act as or advertise or represent to be, an auctioneer, apprentice auctioneer, or firm without holding a valid license issued by the commission under this chapter or prior state law: rule 0160-1-.11 in § 55-17-102(2), must be negotiated for and signed by an auctioneer who is a member of the firm or by the auctioneer's attorney.	\$500.00 Paid	Consent Order
Ray D. Driver Nature of Offense: Respondent called bids for an unlicensed business. Tennessee Auctioneer Commission Law, § 62-19-102.(a)(1) It is unlawful for any person to: (1) Act as or advertise or represent to be, an auctioneer, apprentice auctioneer, or firm without holding a valid license issued by the commission under this chapter or prior state law: rule 0160-1-.11	\$500.00 Paid	Consent Order
Smith's Auction Company Nature of Offense: Respondent conducted auction activity before being properly licensed as a firm. Tennessee Auctioneer Commission Law, § 62-19-102.(a)(1) It is unlawful for any person to: (1) Act as or advertise or represent to be, an auctioneer, apprentice auctioneer, or firm without holding a valid license issued by the commission under this chapter or prior state law: rule 0160-1-.11	\$1,000.00 Paid	Citation
Wayne Wheat Auctions Nature of Offense: Respondent ran an advertisement that was in violation of Advertising Guidelines rule 0160-1-.20 (2) False, deceptive, misleading and untruthful advertising is expressly prohibited.	\$500.00 Paid	Consent Order
Ragan Five Rivers Realty & Auction Nature of Offense: Respondent allowed an apprentice auctioneer to sign a contract without the sponsor's signature. Tennessee Auctioneer Commission Law, § 62-19-111. (11) General licensing provisions. All contracts for services to be performed by an auction firm, except an auto auction as defined in § 55-17-102(2), must be negotiated for and signed by an auctioneer who is a member of the firm or by the auctioneer's attorney. Rule 0160-1-12(9)(a) An apprentice may not execute a contract to conduct an auction without the approval of his/her sponsor noted on the document, but he/she may sign a contract in order to indicate he/she procured the client and the auction.	\$500.00 Paid	Consent Order
Martin & Martin Auctioneers, Inc Nature of Offense: Respondent ran an advertisement that was in violation of Advertising Guidelines rule 0160-1-.21(1) An auctioneer, auction firm or gallery shall disclose the existence and amount of any "buyer's premium", commission, or fee to be charged to buyers at an auction sale. Such disclosure shall be made in all advertising and orally announced immediately prior to the start of an auction.	\$500.00	Agreed Citation
Mecum Collector Car Auctioneers Nature of Offense: Respondent conducted auction activity before being properly licensed as a firm. Tennessee Auctioneer Commission Law, § 62-19-102.(a)(1) It is unlawful for any person to: (1) Act as or advertise or represent to be, an auctioneer, apprentice auctioneer, or firm without holding a valid license issued by the commission under this chapter or prior state law: rule 0160-1-.11	\$2,500.00	Citation
Century-21 Whitehead Realty & Auction Co. Nature of Offense: Respondent allowed an apprentice auctioneer to sign a contract without the sponsor's signature. Tennessee Auctioneer Commission Law, § 62-19-111. (11) General licensing provisions. All contracts for services to be performed by an auction firm, except an auto auction as defined in § 55-17-102(2), must be negotiated for and signed by an auctioneer who is a member of the firm or by the auctioneer's attorney. Rule 0160-1-.12(9)(a) An apprentice may not execute a contract to conduct an auction without the approval of his/her sponsor noted on the document, but he/she may sign a contract in order to indicate he/she procured the client and the auction.	\$1,000.00	Consent Order
Century-21 Whitehead Realty & Auction Co.(Doyle Hendrix) Nature of Offense: Respondent allowed an apprentice auctioneer to sign a contract without the sponsor's signature. Tennessee Auctioneer Commission Law, § 62-19-111. (11) General licensing provisions. All contracts for services to be performed by an auction firm, except an auto auction as defined in § 55-17-102(2), must be negotiated for and signed by an auctioneer who is a member of the firm or by the auctioneer's attorney. Rule 0160-1-.12(9)(a) An apprentice may not execute a contract to conduct an auction without the approval of his/her sponsor noted on the document, but he/she may sign a contract in order to indicate he/she procured the client and the auction.	\$500.00	Consent Order
M. N. Hargrove Realty & Auction Co, Inc Nature of Offense: Respondent allowed a broker to sign a contract. Tennessee Auctioneer Commission Law, § 62-19-111. (11) General licensing provisions. All contracts for services to be performed by an auction firm, except an auto auction as defined in § 55-17-102(2), must be negotiated for and signed by an auctioneer who is a member of the firm or by the auctioneer's attorney.	\$250.00	Consent Order

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Disciplinary Report (continued from page 3)

Name	Amount Paid	Action Taken
Middle TN Horse Sales (Chad Green) Nature of Offense: Respondent called bids for an unlicensed business. Tennessee Auctioneer Commission Law, § 62-19-102.(a)(1) It is unlawful for any person to: (1) Act as or advertise or represent to be, an auctioneer, apprentice auctioneer, or firm without holding a valid license issued by the commission under this chapter or prior state law: rule 0160-1-.11	\$500.00	Consent Order
John Dixon & Associates, Inc. Nature of Offense: Respondent ran an advertisement that was in violation of Advertising Guidelines rule 0160-1-.21(1) An auctioneer, auction firm or gallery shall disclose the existence and amount of any "buyer's premium", commission, or fee to be charged to buyers at an auction sale. Such disclosure shall be made in all advertising and orally announced immediately prior to the start of an auction	\$500.00	Agreed Citation
Furrow Auction Co. Nature of Offense: Respondent allowed the execution of a contract without the auctioneer's signature. Tennessee Auctioneer Commission Law 62-19-112.(7)	\$250.00	Consent Order
James R Murphy Realty & Auction Co. Nature of Offense: Respondent engaged in improper business practices by conducting an auction with a contract signed only by the seller. Tennessee Auctioneer Commission Law 62-19-112.(7)	\$250.00	Consent Order
Nashville Powersport Auction Nature of Offense: Respondent allowed an apprentice auctioneer to sign a contract without the sponsor's signature. Tennessee Auctioneer Commission Law, § 62-19-111. (11) General licensing provisions. All contracts for services to be performed by an auction firm, except an auto auction as defined in § 55-17-102(2), must be negotiated for and signed by an auctioneer who is a member of the firm or by the auctioneer's attorney. Rule 0160-1-.12(9)(a) An apprentice may not execute a contract to conduct an auction without the approval of his/her sponsor noted on the document, but he/she may sign a contract in order to indicate he/she procured the client and the auction.	\$500.00	Consent Order
Nashville Powersport Auction (Christopher W Connor) Nature of Offense: Respondent, as an apprentice, signed a contract without the sponsor's signature. Rule 0160-1-.12(9)(a) An apprentice may not execute a contract to conduct an auction without the approval of his/her sponsor noted on the document, but he/she may sign a contract in order to indicate he/she procured the client and the auction.	\$250.00	Consent Order



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"The Tennessee Department of Commerce and Insurance is committed to principals of equal opportunity, equal access, and affirmative action." Contact the EEO Coordinator or ADA Coordinator (615) 741-2177 (TDD).

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